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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,187	12/15/2003	Glen Roger Caron	600.1298	4371

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EXAMINER

KOHNER, MATTHEW J

ART UNIT PAPER NUMBER

3653

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/736,187	Applicant(s) CARON ET AL.	
	Examiner Matthew J. Kohner	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-15 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,186,443 to Manley et al. (*hereinafter* "Manley") in view of Great Britain Patent No. 2,032,889 to Brooke et al. (*hereinafter* "Brooke").

In regard to claims 1, 12 and 13, Manley discloses a sheet material conveyor comprising:

- a pocket conveyor (3) with at least one moving pocket (56) for collecting printed sheet material (60), the pocket conveyor having a release area (see Fig. 10) for releasing the printing sheet material in the pocket (Further, in regard to claims 12 and 13, Manley discloses a collect wall and a releasable foot [see Fig. 10]),

Manley does not disclose an air supply device providing air to the pocket at the release area. However, Brooke discloses an air supply device (see Fig. 1) providing air to a pocket (defined by registration fences 104,105; support surface 102; and binding device 104) for the purpose of reducing the effects of friction between the stack and the support surface during ejection of the stack of papers (page 3, col. 2, lines 105-110). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Manley's pockets to include an air supply device providing air to the pocket, as taught by Brooke, for the purpose of

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preventing friction between the stack and the support surface during ejection of the stack of papers.

Examiner notes in the art of “bottom-drop” pocket conveyors, there is long known problem of friction between the paper and pocket wall adversely affecting the gravity drop (see e.g. US Patent No. 4,723,770 to Seidel et al. col. 11, lines 10-18). Brooke’s air blower prevents this friction and therefore would be considered advantageous.

In regard to claim 2, see Manley, Fig. 10.

In regard to claims 3 and 6, Manley Fig. 10 and Brooke Fig. 1.

In regard to claims 4 and 5, see Brooke page 3 col. 2, lines 105-110 which discloses an air manifold (122) on the pocket connected to the air holes (121) and a transfer unit (123) for transferring air to the manifold.

In regard to claim 8, Brooke discloses the air pressure may be varied (page 3, col. 1, lines 57-64).

In regard to claims 9-11 and 15, see Manley Fig. 4, which discloses a plurality of pockets (56) and a gripper conveying unit (98) under the pockets.

In regard to claim 14, Manley discloses different inserts (col. 1, line 50).

***Response to Arguments***

Applicant's arguments, filed June 8, 2006, have been fully considered and are persuasive. The rejections of the previous office action have been withdrawn.

***Allowable Subject Matter***

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew J. Kohner  
Examiner  
Art Unit 3653

mjk



**PATRICK MACKEY**  
**PRIMARY EXAMINER**